

The Office Action enters a final rejection in response to amendments and arguments made in a paper dated September 17, 2007. Briefly, according to these amendments and arguments, the applied art did not show a hierarchical relationship between tags (i.e., a parent-child relationship), and did not show the functional interactions between the hierarchically arranged tags.

The instant Office Action maintained its rejection, and additionally made it final. Thus, all claims remained rejected under § 103(a) over previously applied art, namely, a specification entitled "Synchronized Multimedia Integration Language (SMIL) 1.0" in view of MHEG-5 -- Aims, Concepts and Implementation Issues". The Office Action responded to one of the two arguments made in the paper dated September 17, i.e., the argument concerning to the hierarchical arrangement of tags in a parent-child relationship. According to the Office Action, parent-child relationships were standard relationships in databases such as relational databases. The Office Action did not respond to the argument concerning the functional interactions between hierarchically arranged tags.

Technology concerning databases or relational databases is not part of the applied art, and most certainly is not part of either of the SMIL specification or MHEG-5. In addition, no effort was made to articulate a rationale as to why one of ordinary skill in the art might have been prompted to use database or relational database technology in the applied SMIL or MHEG-5 references. Accordingly, in view of these deficiencies in the Office Action, and further in view of the fact that the Office Action did not respond to arguments concerning functional interactions between hierarchically arranged tags, a

telephone interview was conducted with the Examiner. A summary of the interview follows.

The interview was conducted on December 20, 2007 by telephone. The stated purpose of the interview was to learn more about the Examiner's reasons for imposing a final rejection. It was explained that databases and relational databases did not form part of the applied SMIL specification or MHEG-5 specification, and that the Office Action did not articulate a reason that would have prompted a person of ordinary skill in the art to combine databases with the SMIL specification or with MHEG-5. It was further explained that the Office Action did not respond to arguments concerning failure of the art to show functional interactions between hierarchically arranged tags.

The Examiner conceded all of these points, and specifically conceded that database technology did not form part of the applied SMIL specification or MHEG-5 specification, that there was not an articulation of reasons that would have prompted those of ordinary skill in the art to combine database technology with the applied SMIL standard and the MHEG-5 specification, and that the Office Action had failed to address arguments concerning functional interactions between hierarchically arranged tags. The Examiner suggested filing of a written response to the rejection, requesting reconsideration of the rejection based on these technological and legal flaws.

A telephone call was placed to the Examiner's Supervisor, Mr. Gilberto Barron, who confirmed the Examiner's belief that the best procedure for pursuing a new Office Action, which addresses these issues, would be the filing of a formal Request to

reconsider finality. This paper is being filed in accordance with the suggestion of both the Examiner and his Supervisor.

A new action on the merits is respectfully requested.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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